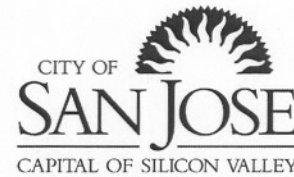


MEMORANDUM



TO: Mayor & City Council

FROM: Dave Cortese
City Councilmember

SUBJECT: Request for Issuance of Admonition DATE: October 18, 2004

APPROVED:

DATE:

10/18/04

RECOMMENDATION

I recommend the Mayor and City Council issue a formal vote of admonition to Councilmember Terry Gregory with reference to recent allegations of inappropriate conduct in office.

BACKGROUND

There has been much speculation as to how the Council should address charges that Councilmember Terry Gregory has engaged in conduct unbecoming his elective office and the public trust. Although Council Policy 0-28 provides a mechanism wherein the City Council can choose to discipline any of its members for violation of city/state/federal laws, the only avenue this policy avails is through the imposition of censure. While some have argued that it may be premature to act on censure due to pending criminal investigation, it remains imperative that the City Council respond in real-time to this matter. Therefore it is appropriate at this time for the council to admonish Councilmember Gregory that behavior that coincides or mimics the following – if found to be true – will lead to formal reprimand. The following inappropriate conduct has been attributed to Councilmember Gregory:

- Inappropriate negotiations and gift solicitation from Tropicana Shopping Center Owner Dennis Fong
- Gift solicitations involving the DiNapoli Family
- Allegations of free and subsidized meals at Dynasty Restaurant

Councilmember Gregory has yet to provide a rebuttal of any type to these allegations, except to say that he maintains his innocence. It is the responsibility of each and every member of the City Council to behave in a way befitting to public office. When any one of us conducts him/herself in an inappropriate manner, the City Council should respond in a way that discourages the individual from practicing that type of behavior in the future. By voting to *admonish* Councilmember Gregory, we (the City Council) reserve the right to impose censure at a later date, pending the outcome of the civil investigation. We also send a clear message that certain types of behavior will not go unnoticed nor be tolerated of our elected officials. The issuance of *admonition* will have no bearing on Councilmember Gregory's ability to carry out the duties of his office. Simply, it will indicate to him the City Council's disapproval of these alleged acts and warn him of what consequences could be prescribed in the future.